

Order

Michigan Supreme Court
Lansing, Michigan

April 23, 2012

Robert P. Young, Jr.,
Chief Justice

144213 & (21)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

HANEEF VERNON GARRETT,
Defendant-Appellant.

SC: 144213
COA: 305136
Oakland CC: 2011-236370-FH;
2009-227878-FH; 2009-227780-FH;
2011-235606-FH

On order of the Court, the motion for miscellaneous relief is GRANTED. The application for leave to appeal the October 11, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the sentences of the Oakland Circuit Court in case nos. 2009-227878-FH and 2009-227780-FH, and REMAND this case to that court for resentencing. On remand, the trial court shall sentence the defendant within the appropriate sentencing guidelines range, or articulate on the record a substantial and compelling reason for departing from the sentencing guidelines range in accordance with *People v Hendrick*, 472 Mich 555 (2005), *People v Babcock*, 469 Mich 247 (2003), and *People v Smith*, 482 Mich 292 (2008). In addition, the judgment of sentence in case no. 2011-236370-FH shall be amended to delete the requirement that the defendant register as a sex offender, and the requirement shall be added to the judgment of sentence in case no. 2009-227878-FH. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



d0416

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 23, 2012

Corbin R. Davis

Clerk